



## MEMORANDUM

**TO:** Columbus City Council Members

**FROM:** Jeff Bergman, AICP  
on behalf of the Columbus Plan Commission

**DATE:** December 20, 2013

**RE:** RZ-13-07 (*Skaggs Development / Woodland Parks Rezoning*)

At its December 11, 2013 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 9 in favor and 0 opposed.

Skaggs Development proposes to rezone 26 lots in Woodland Parks subdivision to allow for single-family attached homes (those that share a common wall with a home on the adjacent lot). These structures would have the appearance of a duplex. Woodland Parks is located on the west side of US 31, north of County Road 400 North). The proposed change would not result in any additional homes in the development. It would have the effect of reducing the side yard setback on one side of each of the effected lots from a minimum of 5 feet to zero, so that the attached dwellings could be constructed. Attached to this memo are drawings provided by the applicant showing the proposed homes to be constructed on these lots and their arrangement on the property.

There are several existing homes on the other lots in Woodland Parks, although many lots currently remain vacant. One of these neighboring property owners wrote a letter to the Plan Commission expressing concerns about the effects of the rezoning on property values in the subdivision. Another neighbor spoke at the Plan Commission meeting to express general support for the rezoning, but to also note a concern that the "duplex" style homes may encourage an increased number of rentals in the neighborhood. The Plan Commission noted that the zoning ordinance does not regulate whether a home is renter or owner occupied and that they did not have jurisdiction over such issues. The applicants indicated to the Plan Commission that they had met with the residents in the subdivision and many of them had expressed support for the rezoning as an effort to encourage additional home construction in the development, which has been slow to build-out.

The following items of information are attached to this memo for your consideration:

1. the proposed ordinance approving the rezoning,
2. the resolution certifying the action of the Plan Commission,
3. a copy of the Plan Commission staff report,
4. a location map, and
5. the supporting materials provided by the applicant.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: \_\_\_\_\_, 2014

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP  
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY  
FROM "RS2" (RESIDENTIAL: SINGLE-FAMILY)  
TO "RTc" (RESIDENTIAL: TWO-FAMILY WITH COMMITMENTS)**

**To be known as the: Skaggs Development / Woodland Parks Rezoning  
Plan Commission Case No.: RZ-13-07**

**WHEREAS**, this rezoning was requested by Skaggs Development LLC and includes the consent of all owners of the subject property; and

**WHEREAS**, the Columbus Plan Commission did, on December 11, 2013, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

**WHEREAS**, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

**NOW THEREFORE BE IT ORDAINED** by the Common Council of the City of Columbus, Indiana, as follows:

**SECTION 1: Official Zoning Map**

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "RS2" (Residential: Single-family) to "RTc" (Residential: Two-family with commitments):

*Lots numbered 29 through 34, 37 through 44, 69 through 74, 76 through 80, and 145 in "Woodland Parks Phase 1B" as recorded in Plat Book "R", Page 94B in the Office of the Recorder of Bartholomew County, Indiana*

**SECTION 2: Commitment(s) and Condition(s)**

The use and development of the subject property shall be subject to the following commitments, which shall run with the land:

1. No more than one dwelling unit shall be built per lot.
2. No additional lots shall be created in the RT-zoned area of Woodland Parks.
3. The setback for any structure located on a lot adjacent to a zoning district other than RT shall be a minimum of 5 feet.

The use and development of the subject property shall also be subject to the following conditions, which must be satisfied:

1. The lots shall be re-platted to modify drainage easements to 15 feet in width on every other lot line in the RT-zoned area prior to the construction of any structure with a side setback of less than 5 feet.
2. Outstanding issues with unfinished public infrastructure in Sections 1A and 1B shall be resolved with the Columbus City Engineers Office prior to any building permits being issued for properties in the RT-zoned area.

**RESOLUTION: RZ-13-07**

**of the City of Columbus, Indiana Plan Commission**

regarding

**Case number RZ-13-07**

**(Skaggs Development / Woodland Parks Rezoning),**

**a proposal to rezone +/-5 acres from**

**RS2 (Residential: Single-family) to RT (Residential: Two-family)**

**WHEREAS**, the Plan Commission has received the application referenced above from Skaggs Development LLC; and

**WHEREAS**, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

**WHEREAS**, the Plan Commission did, on December 11, 2013, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

**WHEREAS**, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

**WHEREAS**, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

**NOW THEREFORE BE IT RESOLVED**, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 5 acres (26 lots) located along Buckthorn Drive and Woodland Parks Drive in the Woodland Parks subdivision) is forwarded to the Common Council with a favorable recommendation.

That recommendation includes the following commitments:

- a) No more than one dwelling unit shall be built per lot.
- b) No additional lots shall be created in the RT-zoned area of Woodland Parks.
- c) The setback for any structure located on a lot adjacent to a zoning district other than RT shall be a minimum of 5 feet.

The recommendation also includes the following conditions:

- a) The lots shall be re-platted to modify drainage easements to 15 feet in width on every other lot line in the RT-zoned area prior to the construction of any structure with a side setback of less than 5 feet.
  - b) Outstanding issues with unfinished public infrastructure in Sections 1A and 1B shall be resolved with the Columbus City Engineers Office prior to any building permits being issued for properties in the RT-zoned area.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.



## STAFF REPORT

### CITY OF COLUMBUS PLAN COMMISSION (December 11, 2013 Meeting)

**Docket No. / Project Title:** RZ-13-07 (Skaggs Development)  
**Staff:** Melissa Begley  
**Applicant:** Skaggs Development  
**Property Size:** 5.42 Acres  
**Current Zoning:** RS2 (Residential: Single Family 2)  
**Proposed Zoning:** RT (Residential: Two Family)  
**Location:** 29 lots in Woodland Parks Subdivision on Buckthorn Drive and Woodland Parks Drive, in the City of Columbus

#### Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of building two family dwellings (duplexes).

#### Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Are two family dwellings appropriate in an otherwise single family detached residential development?

#### Preliminary Staff Recommendation:

Favorable recommendation to the City Council, subject to the following commitments:

1. No more than one dwelling unit shall be built per lot.
2. No additional lots shall be created in the RT-zoned area of Woodland Parks.
3. The setback for any structure located on a lot adjacent to a zoning district other than RT shall be a minimum of 5 feet.

The rezoning is also subject to the following conditions:

1. The lots shall be replatted to modify drainage easements to 15 feet in width on every other lot line.
2. The odd lots that cannot be paired with another to establish a two family dwelling shall be excluded from the rezoning.
3. Outstanding issues with unfinished public infrastructure in Sections 1A and 1B shall be resolved with the Engineering Department.

#### Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.



<b>East:</b>	AP (Agriculture: Preferred)	Large lot residential single-family, New Hope Christian Church
<b>West:</b>	AP (Agriculture: Preferred)	Bol-Mar Subdivision, State of Indiana Rest Stop

<b>Zoning District Summary (Existing / Proposed):</b>		
	<b>Existing Zoning: RS2</b>	<b>Proposed Zoning: RT</b>
<b>Zoning District Intent:</b>	To provide areas for moderate density single-family residences in areas with compatible infrastructure and services.	To provide areas for moderate density single, two, and multi-family residences in areas with compatible infrastructure and services. These residences are most likely arranged as multiple attached units on a single lot or multiple attached units separated by lot lines at a common wall.

<b>Permitted Uses:</b>	<ul style="list-style-type: none"> <li>• Dwelling, single-family</li> <li>• Nature preserve/ conservation area</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling, single-family</li> <li>• Dwelling, two-family</li> <li>• Nature preserve/ conservation area</li> </ul>
<b>Water and Sewer Service:</b>	Required	Required
<b>Lot and/or Density Requirements:</b>	3.5 Dwelling Units per acre	8 Dwelling Units per acre
<b>Minimum Lot Area:</b>	10,000 sq. ft.	Non-residential Use: 5,000 sq. ft. Residential Use: 3,000 sq. ft. per dwelling unit

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	<ol style="list-style-type: none"> <li>1. The lots have to be graded so surface water drains to every other lot line. The remaining easements become more important and probably should become 7.5' on each side, instead of 5' as currently platted, to help preserve the drainage way. If pipes were on the lot lines, which does not appear to be, I would recommend complete removal before rezoning.</li> <li>2. Phase 1A has not been accepted and the maintenance bonds have expired.</li> </ol>
<b>County Highway:</b>	County highway has no issues with this request.
<b>Code Enforcement/ Fire Inspector:</b>	No comments received.

### **History of this Location:**

The relevant history of this property includes the following:

1. On January 7, 2004, the Columbus Plan Commission approved a Preliminary Plat for Woodland Parks (PP-03-03) for a 152 lot residential subdivision.
2. In 2004, a final plat for Section 1A (FP-04-04) was approved for 8 lots
3. In 2005, a final plat for Section 1B (FP-05-02) was approved for 68 lots.

### **Comprehensive Plan Consideration(s):**

The Future Land Use Map indicates the future use of this property as Residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. POLICY A-1-1: Encourage mixing of housing prices in all geographic areas of the city.
2. POLICY A-4-4: Encourage residential clustering and other development types that conserve open space and natural resources and reduce infrastructure costs.
3. POLICY D-2-2: Allow for various housing types.

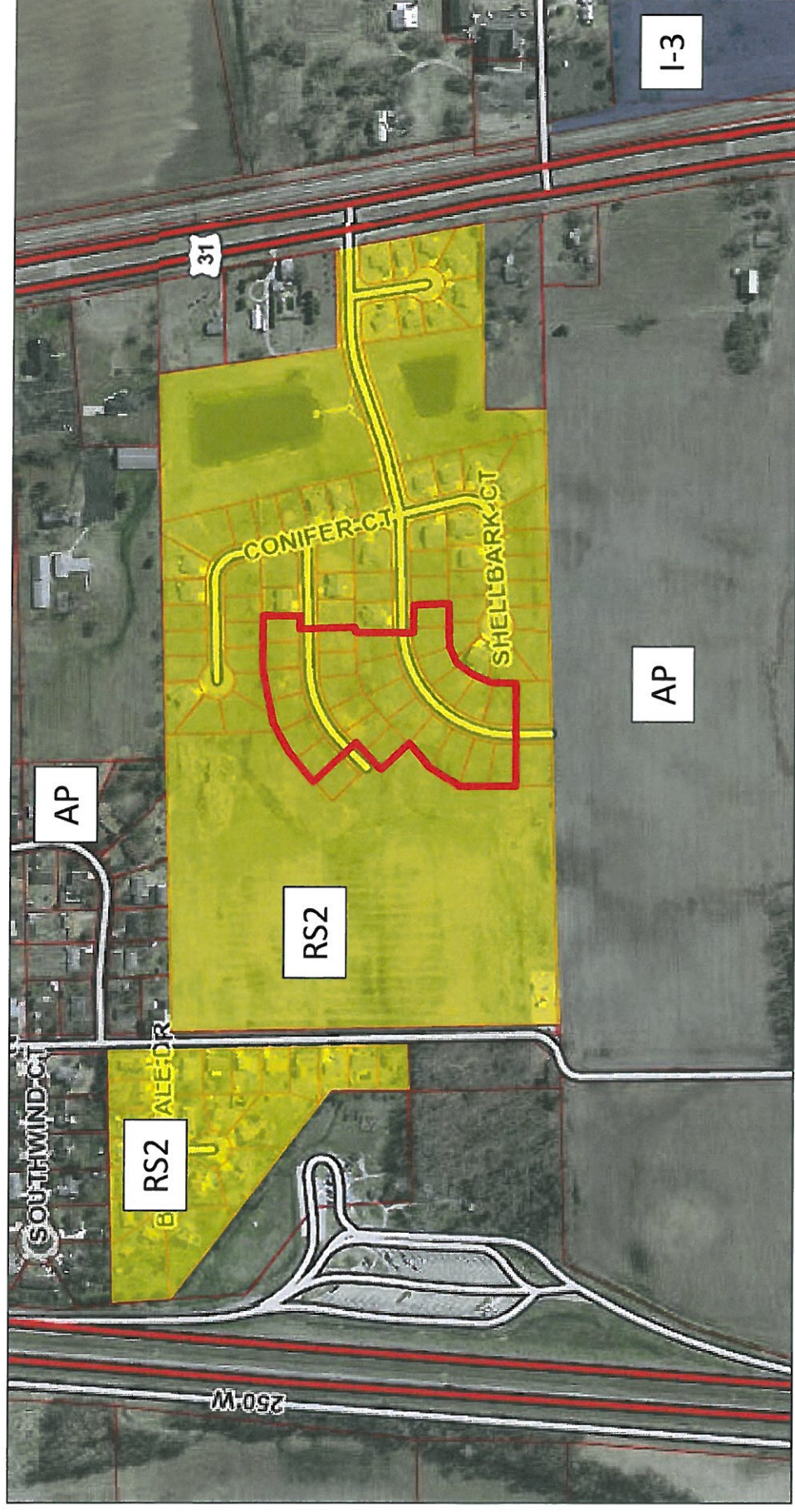
This property is located in the US 31 / Indianapolis Road character area. The following Planning Principle(s) apply to this application: None

### **Planning Consideration(s):**

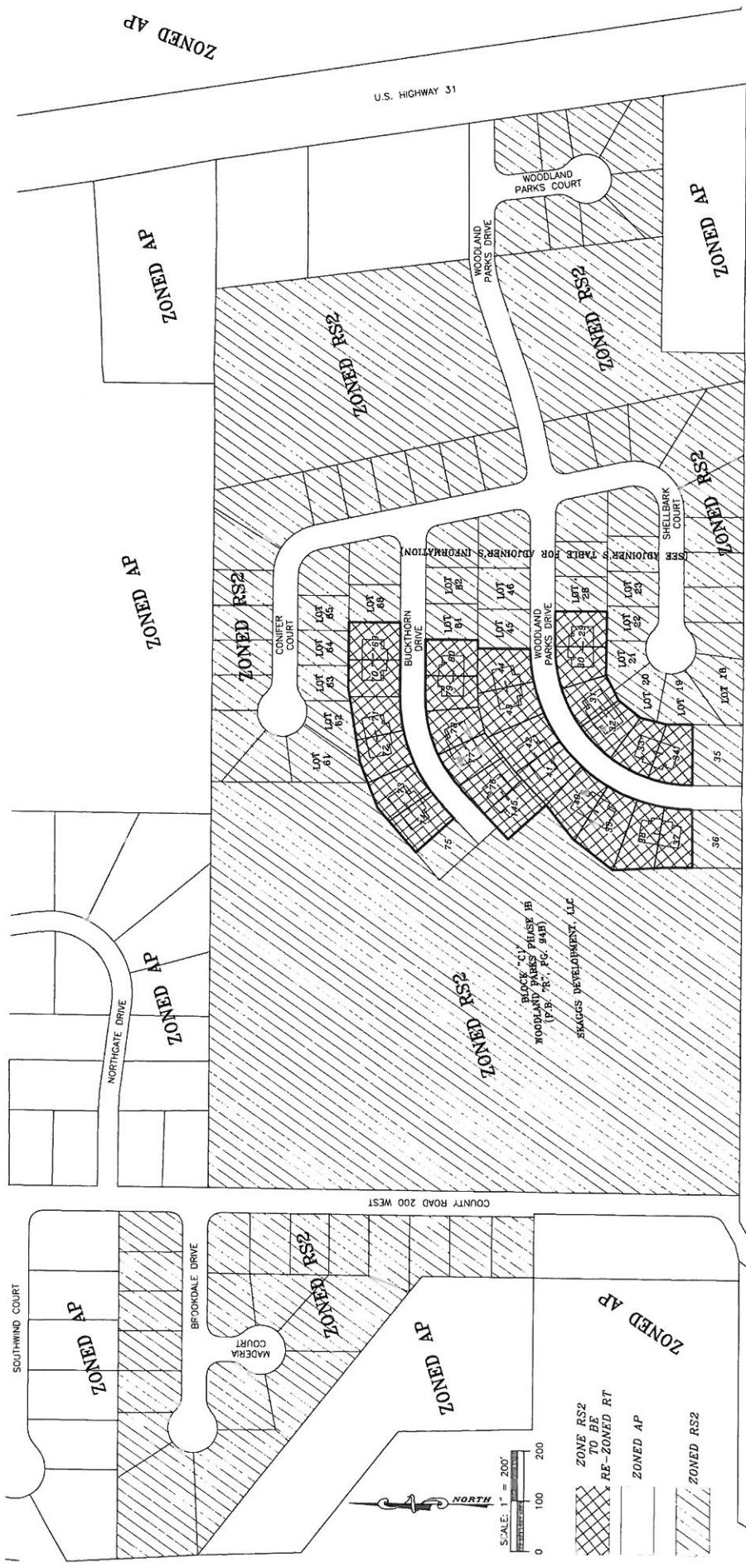
The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. Woodland Parks Subdivision is a single family residential subdivision approved in early 2004 with 152 planned lots. To date, 75 lots have been platted and 25 homes have been constructed.
2. The Woodland Parks Subdivision has not been annexed into the Columbus City limits and its public infrastructure is maintained by the County, but was built to the City standards. It is served by Driftwood Utilities and Eastern Bartholomew Water Corporation.
3. The applicant is proposing to rezone 29 of the platted lots on the property to RT (Residential: Two Family) in order to build two-family dwelling units separated by a lot line at a common wall. The existing lot lines will not be reconfigured.
4. In the materials submitted by the applicant, there will be 3 individual lots which are a part of the rezoning that do not show a two-family dwelling. The applicant has indicated that a standard single family structure will be built on these lots. Overall, as shown, the proposal will not increase the density for the subdivision.
5. The existing single family residences in the subdivision are all single story dwellings and range in size from 1000 square feet to 1900 square feet of living space. The façade of the single family dwellings are all brick or a combination of brick and vinyl. The applicant has indicated that the proposed two

# Location and Surrounding Zoning



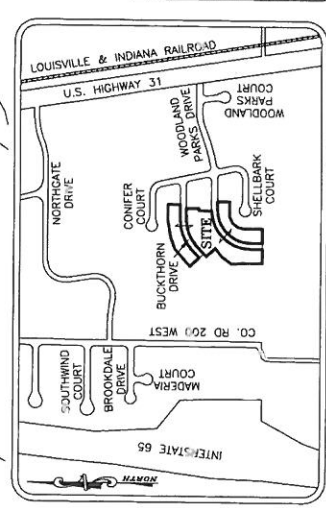




**ZONED AP**  
 MARGARET CLOUSE HULL  
 (INST. #2003-14652)

ADJOINER'S TABLE	
OWNER	DEED/PLAT INFORMATION
SHAGGS DEVELOPMENT LLC	LOTS 18, 19, 21-23, 28, 48, 61-65, 81
WOODLAND PARKS PHASE 1B	(P.B. 'R', PG. 94B)
DEBRA J. ANDERSON	LOT 20 WOODLAND PARKS PHASE 1B
	(P.B. 'R', PG. 94B)
LOVELLA BLANKENSHIP	LOT 45 WOODLAND PARKS PHASE 1B
	(P.B. 'R', PG. 94B)
RONALD L. RHODES & ALI MARIE MCCAGHRAN	LOT 68 WOODLAND PARKS PHASE 1B
	(P.B. 'R', PG. 94B)
THOMAS R. & DONNA J. HAWES	LOT 82 WOODLAND PARKS PHASE 1B
	(P.B. 'R', PG. 94B)

**PROPERTY DESCRIPTION**  
 LOTS 29-34, 37-44, 69-74, 76-80 & 145 IN "WOODLAND PARKS PHASE 1B" RE-RECORDING BOOK PAGE 94B IN THE OFFICE OF THE RECORDER OF BIRTHOLOWEY COUNTY, INDIANA.  
 CONTAINING 5.42 ACRES, MORE OR LESS.  
 (SECTION 35, TOWNSHIP 10 NORTH, RANGE 5 EAST)  
 CURRENT ZONING: RS2  
 PROPOSED ZONING: RT



**ZONING MAP**  
 WOODLAND PARKS PHASE 1B  
 SEC. 35, T-10-N, R-5-E  
 BATHOLOMEW COUNTY,  
 INDIANA

**Independent Land Surveying**  
 www.bursey99.com  
 414 South Main Street  
 Evansville, Indiana 47209  
 Phone: 812-358-2652  
 Fax: 812-358-2652

SHEET: 1/1  
 SCALE: 1" = 200'  
 DATE: 11/16/13  
 DRAWN BY: TNA  
 CHECKED BY: TNA  
 DATE: 12/19/13  
 DATE: 12/19/13  
 DATE: 12/19/13

JOB #13208



### REAR ELEVATION

LEFT SIDE ELEVATION

**RIGHT SIDE ELEVATION**

Persimmon

DOUBLE GABLE

**NOTES:**

- NOTES:
- 1) ALL ROOF PITCHES ARE TO BE 7/12.
  - 2) ALL OVERHANGS ARE TO BE 1'-0" FINISHED.

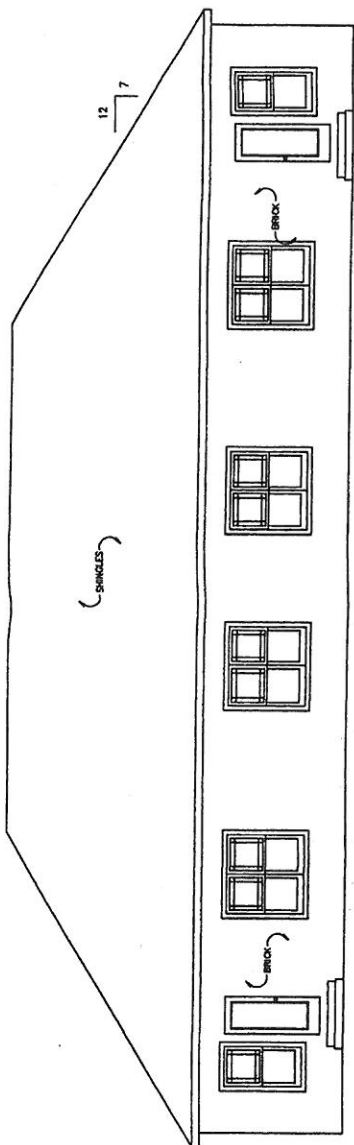
SYCAMORE 2'-0"

**ELEVATIONS**

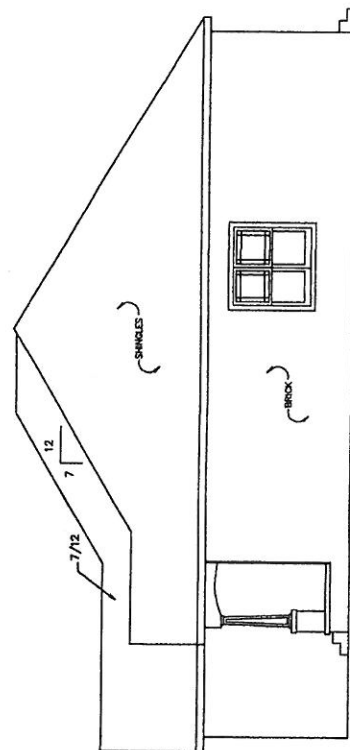
PROJECT	Stratton Building
PROJECT NO.	105-2258
DATE	JAN. 21, 1981
SCALE	1/4" = 1'-0"
DATE	FEB. 10, 81
BY	DAI
PROJECT NO.	105-2258
DATE	JAN. 21, 1981
SCALE	1/4" = 1'-0"
DATE	FEB. 10, 81
BY	DAI

**DAC** COMPUTER AIDED  
DRAWING and DESIGN

PHONE: (612) 579-9313

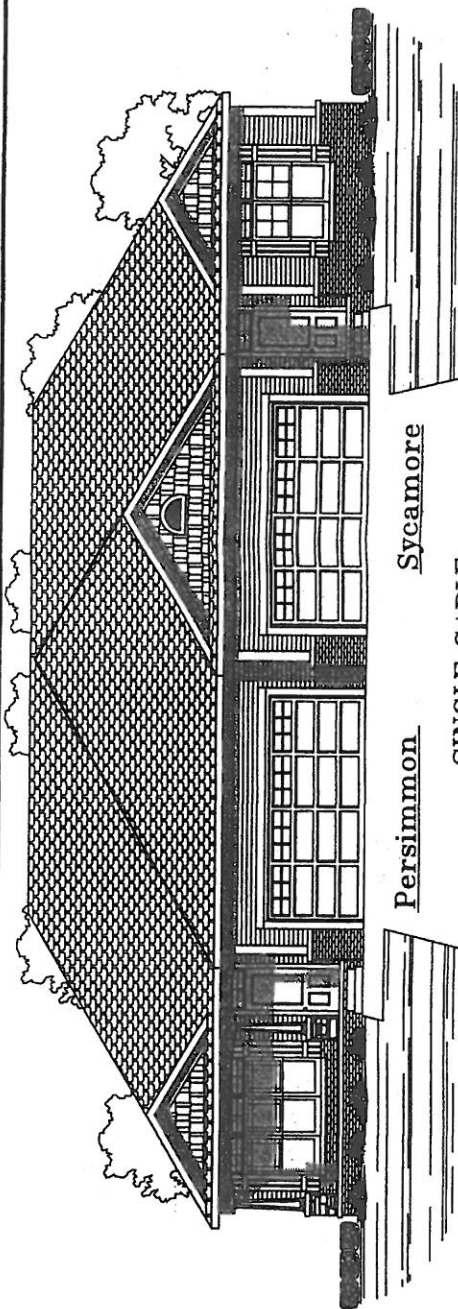


REAR ELEVATION



LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION



NOTES:

- 1) ALL ROOF PITCHES ARE TO BE 7/12.
- 2) ALL OVERHANGS ARE TO BE 1'-0" FINISHED.

PERSIMMON 2'-0"

Persimmon Sycamore

SINGLE GABLE

ELEVATIONS

PROJECT NO.	1002-00001	DATE	10/1/01
PROJECT NAME	1002-00001	DATE	10/1/01
PROJECT ADDRESS	1002-00001	DATE	10/1/01
PROJECT CITY	1002-00001	DATE	10/1/01
PROJECT STATE	1002-00001	DATE	10/1/01
PROJECT ZIP	1002-00001	DATE	10/1/01
PROJECT TOTAL	1002-00001	DATE	10/1/01
PROJECT TOTAL	1002-00001	DATE	10/1/01
PROJECT TOTAL	1002-00001	DATE	10/1/01
PROJECT TOTAL	1002-00001	DATE	10/1/01

PHONE: (612) 578-9113